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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,155	08/26/2003	Robert Gazda	1-2-0353.2US	3682
24374 7590 04/06/2007 VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER	
			SEYE, ABDOU K	
			ART UNIT	PAPER NUMBER
			2194	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MONTHS		04/06/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	Applicant(s)			
Office Action Summary		10/648,155	GAZDA ET AL.			
		Examiner	Art Unit			
		Abdou Karim Seye	2194			
Period fo	The MAILING DATE of this communication apport	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status		•				
1)🖂	Responsive to communication(s) filed on 17 Ja	nuary 2007.				
2a)⊠	This action is <b>FINAL</b> . 2b) ☐ This	action is non-final.				
3)	Since this application is in condition for allowar	this application is in condition for allowance except for formal matters, prosecution as to the merits is				
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims					
4)⊠	4)⊠ Claim(s) <u>1-3</u> is/are pending in the application.					
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-3</u> is/are rejected.						
7)	Claim(s) is/are objected to.	,				
8)□	Claim(s) are subject to restriction and/or	r election requirement.				
Application Papers						
9)[	The specification is objected to by the Examine	r.				
10)⊠	The drawing(s) filed on 27 August 2003 is/are:	a)⊠ accepted or b)  objected t	o by the Examiner.			
	Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority u	ınder 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some ★ c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
		WILL	JAM THOMSON DRY PATENT EXAMINER			
Attachment(s)  SUPER  Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)						
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary	4) Interview Summary (PTO-413) Paper No(s)/Mail Date			
3) Inform	nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	5) Notice of Informal P				

### **DETAILED ACTION**

Page 2

# Response to Amendment

1. The amendment filed on January 17, 2007 has been received and entered. The amendment amended Claims 1 and 2 and cancelled claims 4-5. The currently pending claims considered below are Claims 1-3.

# Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by **Wilkinson** et al. (20020091800).
  - Claim 1: Wilkinson discloses an operating system abstraction layer comprising:
- a. An interface with an operating environment, the operating environment operating independent of underlying operating systems, and wherein the operating environment hides underlying operating systems from its client applications (fig. 1/8, paragraph 61);
- b. An operating system independent module for performing operations that are not related to a target operating system (fig.1, paragraph 61); and

Application/Control Number: 10/648,155 Page 3

Art Unit: 2194

c. An operating system dependent module for performing operations that are related to the target operating system (fig.1, paragraph 61); and

- d. An interface with the target operating system (fig. 1/16, paragraph 60).
- Claim 2: <u>Wilkinson</u> discloses a method for abstracting an operating environment to a plurality of operating systems, the method comprising:
- a. Providing an operating environment, the operating environment common to all the different operating systems, and wherein the operating environment hides underlying operating systems from its client applications (fig. 1, paragraph 61); and
- b. Providing a plurality of operating system abstraction layers, each abstraction layer designed to abstract the operating environment to at least one targeted operating system (fig.1/16, paragraph 60).

Claim 3: <u>Wilkinson</u> discloses a method for abstracting an operating environment to a plurality of operating systems as in claim 2 above and further discloses that each abstraction layer has a same operating system dependent module and a different operating system independent module (abstract; fig. 1).

# Response to Arguments

4. Applicant's arguments filed January 17, 2007 have been fully considered but they are not persuasive.

a. Claim 1: Applicant argues that, "Wilkinson does not teach that the operating environment hides the operating systems from the client applications." Wilkinson teaches in (fig. 1 paragraph 61) a platform independent environment implemented as a Java virtual machine. Such virtual machine functions as a computer platform that would hide an operating system of an underlying hardware computer from applets and applications. Therefore the element "Java Virtual Machine" of wilkinson 's reference meets the claimed limitation that the applicant argues.

Page 4

#### Conclusion

5. The prior art made of record is considered pertinent to the applicant's disclosure.

Venkatesh et al. (US 6256637) transactional virtual machine architecture. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Application/Control Number: 10/648,155

Art Unit: 2194

Page 5

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to <u>Abdou Seye</u> whose telephone number is <u>(571)</u> <u>270-1062</u>. The examiner can normally be reached on <u>Mon - Fri, 7:30am - 4pm</u>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AKS March 26, 2006

WILLIAM THOMSON EXAMINER
WILLIAM PATENT EXAMINER

IPERVISO.